

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Consolidated Multidistrict Litigation

IN RE: TRIBUNE COMPANY
FRAUDULENT CONVEYANCE
LITIGATION

No. 11 MD 2296 (RJS)
No. 11 Civ. 3754 (RJS)

ORDER

RICHARD J. SULLIVAN, District Judge; et al

On December 6, 2012, defense counsel filed a motion to withdraw from representing Defendants James B. Kerr III Trust U/W Agnes R. Kerr DTD 7/2/1977; James B. Kerr; James B. Kerr as Trustee of James B. Kerr III Trust U/W Agnes R. Kerr DTD 7/2/1977; Robert J. Kerr Trust U/A DTD 9/2/1977; Julie M. Kerr; and Julie M. Kerr as Trustee of Robert J. Kerr Trust U/A DTD 9/2/1977 (Doc. No. 1889). Although counsel asserts that Defendants "have determined that they no longer need legal representation for this action and now wish to proceed [as] *pro se* defendants," the trust Defendants are not capable of proceeding *pro se*. See *Gabayzadeh v. Taylor*, 639 F. Supp. 2d 298, 302 (E.D.N.Y. 2009) (prohibiting a trust from being represented by its non-attorney trustee); *see also Bell v. S. Bay European Corp.*, 486 F. Supp. 2d 257, 259 (S.D.N.Y. 2007) (following S.D.N.Y. and 9th Circuit precedent "precluding a trustee from proceeding *pro se* on behalf of a trust"). Because Defendants cannot proceed *pro se*, IT IS HEREBY ORDERED THAT the motion to withdraw is DENIED without prejudice to renewal upon Defendants' retention of new counsel.

SO ORDERED.

Dated: April 19, 2013
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE